



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: D.N. Rudo Attorney Docket No.: RUDO121677
Application No.: 10/656,088 Art Unit: 1714 / Confirmation No: 9931
Filed: September 5, 2003 Examiner: T.H. Yoon
Title: TRIAXIAL WEAVE FOR REINFORCING DENTAL RESINS

DECLARATION OF DAVID RUDO UNDER 37 C.F.R. § 1.132

Seattle, Washington 98101

October 4, 2005

TO THE COMMISSIONER FOR PATENTS:

David Rudo declares that:

1. I, David Rudo, am the inventor named in the above-referenced patent application and in U.S. Patent No. 5,176,951 (hereinafter "the '951 patent").

2. It is my understanding that the Examiner believes that the cross-section shown in the Figure of the '951 patent looks like a triaxial configuration. The Figure in the '951 patent does not disclose a triaxial configuration. A material having triaxial configuration is not used in the practice of the invention disclosed in the '951 patent.

3. It is my understanding that the Examiner believes it would have been obvious to one of ordinary skill in the art to utilize the triaxial braided or woven fiber configuration taught by Silvestrini et al. (U.S. Patent No. 4,610,688) or Kapadia et al. (U.S. Patent No. 4,816,028) in the invention of Rudo (the '951 patent) to yield the invention claimed in the present patent application.

4. The Leno weave material disclosed by Rudo in the '951 patent is a loosely woven material that is adapted to conform to the contours of a dental structure. Thus, the Leno weave material disclosed by Rudo in the '951 patent is especially useful in dental repairs and reconstructions which require a material that conforms closely to the dental structure(s) being

LAW OFFICES OF
CHRISTENSEN O'CONNOR JOHNSON KINDNESS^{PLLC}
1420 Fifth Avenue
Suite 2800
Seattle, Washington 98101
206.682.8100

repaired or reconstructed. For example, the Leno weave material disclosed by Rudo in the '951 patent is useful for periodontal splinting of mobile teeth (e.g., teeth that are loosely attached to the surrounding jaw bone due to periodontal disease) because the Leno weave material can be closely conformed to the teeth to hold them together.

5. In contrast, the triaxial materials used in the practice of the present invention are substantially more rigid than the Leno weave material disclosed in the '951 patent. Thus, the aforementioned triaxial materials are well adapted for use in dental repairs and reconstructions which require a material that provides structural strength and rigidity. For example, the aforementioned triaxial materials are well adapted for use in making dental bridges.

6. The aforementioned triaxial materials are not well adapted for dental repairs and reconstructions which require a material that can be manipulated to conform closely to the dental structure(s) being repaired or reconstructed. The aforementioned triaxial materials are too rigid to be suitable for these types of dental applications.

7. For the foregoing reasons, the aforementioned triaxial materials are not well adapted to be used in the types of dental applications for which the Leno weave material is well adapted.

8. I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the above-referenced application or any patent issuing thereon.

Dated: 4 Oct 2005


David N. Rudo

BFM:tmn

LAW OFFICES OF
CHRISTENSEN O'CONNOR JOHNSON KINDNESS^{PLLC}
1420 Fifth Avenue
Suite 2800
Seattle, Washington 98101
206.682.8100